

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YOLMA HAYLETT and KENNETH  
EASTMOND

1:15-cv-223-WFK-PK

Plaintiff,

-against-

**DEFENDANT'S STATEMENT OF  
UNDISPUTED FACTS PURSUANT TO  
LOCAL CIVIL RULE 56.1**

THE CITY OF NEW YORK and BRUCE  
SUTTON,

Defendants.  
----- X

Defendant The City of New York (the "City"), by its attorney, Zachary W. Carter, Corporation Counsel of the City of New York, hereby submits this statement pursuant to Local Civil Rule 56.1 of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York, to set forth material facts as to which they contend there are no genuine issues to be tried:

1. The incident began on June 26, 2014 at approximately 1:00 p.m. Declaration of Elissa B. Jacobs, dated February 3, 2017, Exhibit C.<sup>1</sup> (Haylett 50-H 7:6-19); Exhibit A (Complaint ¶ 14).

2. Plaintiffs were in their car on Linden Boulevard in Brooklyn, New York. Ex. A (Complaint, ¶ 14); Ex. B (Eastmond 50-H 11:19-12:8).

3. Bruce Sutton was in his car driving from Brooklyn College to his home. Ex. D (Sutton. p. 9 ¶¶ 19-23).

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<sup>1</sup> All references to Exhibits in this statement refer to the exhibits attached to the Declaration of Elissa B. Jacobs, dated February 3, 2017 submitted herewith.

4. Sutton was employed by the Department of Correction as an Associate Investigator. Ex. D (Sutton 3:9-19).

5. Plaintiff Eastmond steered his car around Sutton's car. Ex. A. (Comp. ¶ 15); Ex. C. ( Haylett 12:21-13:12)

6. Immediately after, Sutton had "a little bit of road rage" and "flipped . . . the bird" to Eastmond. Ex. B (Eastmond 14:5-18); Ex. C (Haylett 15:11-17); Ex. A (Comp. ¶ 16).

7. Eastmond returned the gesture. Ex. B (Eastmond 14:19-20); Ex. C (Haylett 16:2-3).

8. Eastmond then rolled down his window and heard Sutton cursing at him and pointing a weapon at Eastmond. Ex. B (Eastmond 15:7-18); Ex. C (Haylett 15:18-20).

9. Sutton pursued Eastmond for some distance. Ex. B (Eastmond 15:19-3); Ex. C (Haylett 13:17-25); Ex. A (Comp. ¶ 17).

10. Eastmond pulled over in front of the Bliss Hotel on Essex and Linden Boulevards. Ex. B (Eastmond 16:9-14); Ex. C (Haylett 17:3-5).

11. Sutton then pulled up near the hotel, pointed his weapon in Eastmond's face and told Eastmond to give him his license and registration. Ex. B (Eastmond 16:19-17:4); Ex. C (Haylett 18:18-19:2).

12. Sutton "seemed pretty upset" and said "I'll fucking shoot you, I should fucking shoot up this fucking car." Ex. B (Eastmond 17:21-25).

13. Sutton did not identify himself as a police officer or a peace officers. Ex. B (Eastmond 18:16-23); Ex. C (Haylett 19:3-4).

14. Sutton did not show his badge to plaintiffs. Ex. B (Eastmond 18:20-23); Ex. C (Haylett 19:5-10).

15. Police officers in uniform came onto the scene. Ex. B (Eastmond 20:12-17); Ex. C (Haylett 21:15-16).

16. The uniformed police asked consent to search Eastmond's car. Ex. B (Eastmond 22:11-14).

17. Eastmond gave consent. Ex. B (Eastmond 22:15-16).

18. No contraband was found in his car. Ex. B (Eastmond 22:19-22); Ex. C (Haylett 25:19-25).

19. Plaintiffs were detained at the scene for over an hour. Ex. A (Comp. ¶ 25).

20. Plaintiffs were released without charges. Ex. A (Comp. ¶ 28).

21. Bruce Sutton was not working on June 26, 2014. Ex. D (Sutton, p. 8 ¶¶ 14-16).

22. Bruce Sutton did not report to work on June 26, 2014. Ex. D (Sutton, p. 8, ¶¶ 17-23).

23. Plaintiffs filed this lawsuit on January 15, 2015. Ex. A (Comp., generally).

Dated: New York, New York  
February 3, 2017

Yours, etc.,

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By:

  
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